

**BALESTRIERE
FARIELLO****JOHN BALESTRIERE**

BALESTRIERE FARIELLO

225 Broadway, 29th Floor

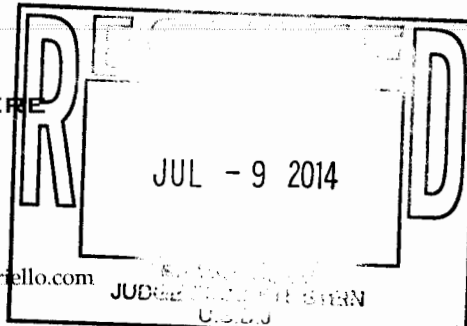
New York, New York 10007

T: +1-212-374-5401

F: +1-212-208-2613

john.balestriere@balestrierefariello.com

www.balestrierefariello.com



July 09, 2014

USDC SDNY
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VIA ECF

Hon. Sidney H. Stein
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007

MEMO ENDORSED

Re: *Rodriguez, et al. v. It's Just Lunch International, et al.*,
Index No.: 07-CV-9227 (SHS)(KNF)

Dear Judge Stein:

I am the class counsel in the above-referenced matter and I write on behalf of all parties to respectfully request adjournment of the preliminary conference scheduled for July 29, 2014, in light of the parties' ongoing settlement efforts. We also ask, and Defendants consent, that the Court assign a magistrate judge not previously involved with this action to mediate the parties' attempts to resolve this matter in the most efficient manner.

Since the Court granted class certification on May 28, 2014, the parties have exchanged numerous phone calls and other correspondence in efforts to further settlement negotiations. The parties believe that a magistrate judge will assist these efforts through the mediation process. As the Court knows, this litigation has been pending for nearly seven years, with the currently assigned magistrate judge having decided multiple dispositive motions. I respectfully believe a new neutral with a fresh view of the case would be best suited to serve as a mediator. The parties thus respectfully ask that the Court adjourn the preliminary conference date so to allow the parties additional time to attempt to reach a settlement, and Plaintiffs ask, with Defendants' consent, that the Court appoint a magistrate judge not previously involved in this dispute to mediate the settlement discussions. Should the Court grant the parties' relief, the parties will report the status of the settlement by August 8, 2014.

Respectfully submitted,

John G. Balestriere

July 10, 2014
The Court has granted the parties' request for an additional magistrate judge for the purpose of assisting settlement discussions only. The July 29 conf. remains on that date at 2:30 p.m. The parties are to be prepared to discuss the issues set forth in this Court's June 23 Order. So ordered. S.H. Stein USDC SDNY

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FARIELLO**

cc: Philip Menchaca (via email: philip.menchaca@balestrierefariello.com)
Jon Norinsberg, Esq. (via email: jon.norinsberg@balestrierefariello.com)
Stefan Savic, Esq. (via email: stefansavic@balestrierefariello.com)
Peter Shapiro, Esq. (via email: peter.shapiro@lewisbrisbois.com)